

APR 09 2013

JULIA C. DUDLEY, CLERK
BY:  DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

KATHERINE F. THOMAS,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

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Civil Action No. 5:12cv00064

By: Michael F. Urbanski
United States District Judge

ORDER

This matter was referred to the Honorable B. Waugh Crigler, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B), for proposed findings of fact and a recommended disposition. The magistrate judge filed a report and recommendation on February 14, 2013, recommending that the defendant's motion to dismiss plaintiff's complaint be granted. Plaintiff, who is proceeding pro se, filed both a response to the motion to dismiss and an objection to the report and recommendation.

The court has reviewed the magistrate judge's report, the objection to the report, the briefs filed by the parties, and the relevant case law and, in so doing, made a de novo determination of those portions of the report to which the plaintiff objected. The court finds that the magistrate judge was correct in concluding that plaintiff did not timely file her complaint and that plaintiff has not set forth any recognized basis for equitable tolling of the statute of limitations in this case. Accordingly, the court accepts the magistrate judge's recommendation that plaintiff's complaint should be dismissed.

It is therefore **ORDERED** and **ADJUDGED** that defendant's motion to dismiss plaintiff's complaint (Dkt. # 10) is **GRANTED**, the report and recommendation (Dkt. # 16) is **ADOPTED in its entirety**, and this matter is **STRICKEN** from the active docket of the court.

The Clerk is directed to send a certified copy of this Order to all counsel of record.

Entered: April 8, 2013

/s/ Michael F. Urbanski

Michael F. Urbanski
United States District Judge